

Message

From: Wolf, Kristen [kwolf@pa.gov]
Sent: 9/26/2019 8:00:56 PM
To: Trevena, Suzanne [Trevena.suzanne@epa.gov]
CC: Whitcomb, Jill [jjiwhitcomb@pa.gov]; Kasi, Veronica [vbkasi@pa.gov]
Subject: RE: 319/WIP Crosswalk Action Items/Follow ups
Attachments: ATT00001.txt; Cumberland County Toolbox 8-7-2019.pdf

Suzanne—as follow up from this morning, below is the email string and attached is the Toolbox that we've shared with EPA's 319 team.

Kristen

From: Orr Greene, Jennifer
Sent: Tuesday, September 24, 2019 3:53 PM
To: Wolf, Kristen <kwolf@pa.gov>
Subject: FW: [External] RE: Due August 13: 319/WIP Crosswalk Action Items/Follow ups

Let's get together soon to discuss, I think we are able to flesh out a little further with what we have between the two programs to get there.

Jennifer Orr-Greene | Director, Office of Water Resources Planning
Department of Environmental Protection | Water Resources Planning
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From: Reynolds, Lori <Reynolds.Lori@epa.gov>
Sent: Tuesday, September 24, 2019 3:49 PM
To: Orr Greene, Jennifer <jorrgreene@pa.gov>; Carney, Roland <rscarney@pa.gov>
Cc: Hoffmann, Michael <Hoffmann.Michael@epa.gov>; Suffian, Fred <Suffian.Fred@epa.gov>; Magliocchetti, Catherine <magliocchetti.catherine@epa.gov>
Subject: [External] RE: Due August 13: 319/WIP Crosswalk Action Items/Follow ups

Hi Jen and Scott,

Thank you for the opportunity to consider the Cumberland County Action Plan in terms of the plan's compliance with the Clean Water Act §319 statutory program requirements. The County tool box is very well done and includes features that support the PADEP §319 program e.g. the plan promotes diverse, well-integrated partnerships and a focus on water quality goals.

All State §319 grant programs must meet certain statutory, regulatory and administrative criteria established to ensure that §319 funds are used in a fiscally prudent manner. §319 grants must be consistent with applicable provisions of §319 of the Clean Water Act; EPA's general grant regulations in 40 CFR parts 31 and 35; OMB circulars; applicable EPA Orders and Policies, and guidelines. As you know, the primary planning framework for §319 watershed projects are watershed-based plan (WBPs). The county-wide plan includes tools (a collection of available tools, maps, etc) that are mostly at the county scale. Under §319, planning at the watershed scale, in subwatersheds smaller than HUC 12 boundaries, is necessary to address local water quality problems and to document success i.e. locally impaired waterbodies achieving water quality goals in a reasonable time-frame. The updated templates, toolbox and county plans are all resources that can serve as building blocks for the State's §319 program. A recommended next step is for the State to take actions and increase the number of §319 approved watershed-based plans by: 1) identifying alternative TMDLs and considering TMDL restoration

priorities; 2) conducting an inventory of submitted watershed-based plans and determining what remaining elements are needed for approval; and 3) considering where project proposals are submitted and whether the elements for a watershed-based plan are available. In addition, please consider whether the Middle Spring Creek, Gum and Main Runs plan, in Cumberland County, should be reinvigorated.

We appreciate the opportunity to provide input and are happy to discuss this matter further.
Lori

From: Orr Greene, Jennifer <jorrgreene@pa.gov>
Sent: Thursday, September 19, 2019 11:10 AM
To: Hoffmann, Michael <Hoffmann.Michael@epa.gov>; Suffian, Fred <Suffian.Fred@epa.gov>; Reynolds, Lori <Reynolds.Lori@epa.gov>
Cc: Kasi, Veronica <vbkasi@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>; Baker, Jordan <c-jorbaker@pa.gov>; Carney, Roland <rscarney@pa.gov>; Kristen Wolf <kwolf@pa.gov>
Subject: RE: Due August 13: 319/WIP Crosswalk Action Items/Follow ups
Importance: High

As discussed in the call earlier. We will be meeting with the counties at the end of next week regarding the block grant concept; we would like feedback from you so we can address with them.

Jen

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From: Wolf, Kristen
Sent: Thursday, September 19, 2019 10:48 AM
To: Orr Greene, Jennifer <jorrgreene@pa.gov>; Carney, Roland <rscarney@pa.gov>
Cc: Kasi, Veronica <vbkasi@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>; Baker, Jordan <c-jorbaker@pa.gov>; Hoffmann, Michael <Hoffmann.Michael@epa.gov>
Subject: FW: Due August 13: 319/WIP Crosswalk Action Items/Follow ups
Importance: High

Re-sending our responses from August re: the 319/Bay County WIP Toolbox crosswalk that was requested from EPA at our July meeting. Please see responses below to EPA's comments from our July meeting (also highlighted below in Lori Reynolds email).

We plan to roll out at our implementation meeting with our four pilot counties who have completed their county WIPs next Friday, September 27. At that meeting, we will also be providing them with EPA Bay-funded agreements to hire WIP project coordinators in their counties who will be overseeing their funding/grants.

We hope that EPA can expedite their review of the final additions we provided in August that meet or exceed the 319 requirements outlined to us in our July meeting with the EPA 319 team and in Lori's email below. We are available to discuss as needed.

Thank you,

Kristen Wolf | Chesapeake Bay Program Coordinator
Chesapeake Bay Office
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101

From: Wolf, Kristen
Sent: Thursday, August 8, 2019 9:18 AM
To: Orr Greene, Jennifer <jorrgreene@pa.gov>
Cc: Kasi, Veronica <vbkasi@pa.gov>; Carney, Roland <rscarney@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>; Baker, Jordan <c-jorbaker@pa.gov>
Subject: Due August 13: 319/WIP Crosswalk Action Items/Follow ups
Importance: High

Good morning Jen—as requested at our July meeting, we have added EPA’s requested 319 language, information, data and maps to our WIP Toolbox that will be customized and provided to each county as they begin their WIP planning. Please see attached example of Cumberland County’s Toolbox for reference.

With these additions addressed below, I believe we have met EPA’s requests as outlined in their email that is broken down below. If possible, we need **EPA’s approval by next Tuesday, August 13**, as we are finalizing the Phase 3 WIP on August 14 and presenting it to the WIP Steering Committee for final approval before submitting to EPA on August 23. Please let me know if we can further assist!

Thanks
Kristen

From: Wolf, Kristen
Sent: Tuesday, July 23, 2019 9:56 AM
To: Carney, Roland <rscarney@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>; Baker, Jordan <c-jorbaker@pa.gov>
Cc: Orr Greene, Jennifer <jorrgreene@pa.gov>; Kasi, Veronica <vbkasi@pa.gov>
Subject: 319/WIP Crosswalk Action Items/Follow ups

Good morning and thanks for a good meeting yesterday! Below, in **BLUE**, are the action items that came out of yesterday’s meeting.

DEP Chesapeake Bay Office feedback to EPA’s 319/WIP Crosswalk Comments:

EPA shares the goal of leveraging dollars and expanding the number of 319 eligible projects funded. The request for EPA to “provide a detailed summary of what elements the current county WIPs are required for the CBWIP local plans to be acceptable WIPs for 319 project funding” is interesting. It is encouraging that the toolbox states “Pennsylvania is much more focused on improving local water quality in our local communities” since this aligns with the objective of the 319 program.

The templates, toolbox and county plans are all resources that serve as building blocks for developing and implementing watershed-based plans. To better utilize available 319 funding, the county plans could:

- reference existing approved watershed-based plans that are named in the toolbox, implement the recommendation to coordinate restoration efforts by local groups and commit to working with partners to submit projects for 319 funding in the approved watershed-based plan areas;
 - Will need to create a new page in the Toolbox that lists out existing 319 watershed plans. Will need a list or location of all 319 projects in each county to add to Toolbox.
 - Scott will send Kristen list of alternative TMDLs for PA - done

- Kristen will send Jordan all existing 319 and alt TMDL lists to incorporate in county Toolboxes - done
- apply the resources from the toolbox to: identify priority watershed(s), estimate non-point source pollutant load contributions, identify impaired waterbodies in which the county expects to make measurable improvement through implementation of management practices, describe how load reductions will be achieved including a timeline for actions with the outcome being a success story and documented results on how the impaired waterbody is restored and;
 - This is the CAP for the county. Their Progress and Milestones template or Narrative can answer this. In the Toolbox summary, DEP can call out priority watershed(s).
 - Jordan will break maps down to HUC12 watershed scale with tiers and provide explanatory text (new Toolbox page that supplements current page) - done
- include in the *State Programmatic Recommendations* template a commitment to take actions to increase the number of approved watershed-based plans by: 1) identifying alternative TMDLs and considering TMDL restoration priorities; 2) conducting an inventory of submitted watershed-based plans and determining what remaining elements are needed for approval; and 3) considering where project proposals are submitted and whether the elements for a watershed-based plan are available;
 - This is a task of the countywide planning team – what is needed beyond current expectations?
 - Jordan will add existing 319 projects and alternative TMDLs to Toolbox (noted above) - done
 - Add text to Toolbox requesting that counties include existing plans (watershed, 319, etc) in their WIP plan - done
- include a commitment that external coordinators will be directed to enhance the public understanding and achieve local support of the watershed-based plans and water quality improvement project implementation by encouraging early and continued stakeholder participation in selecting, designing, and implementing management measures;
 - How does this need to be represented in the Toolbox materials? The external coordinators role is to support overall implementation—how do 319 projects differ from this?
 - Add internal and external coordinator roles/definitions to Planning Guide portion of Toolbox (pull from existing 4-pager) - done
- for any future toolbox updates, PADEP could consider including an attachment /checklist of the minimum elements of a watershed-based plan.
 - What is the purpose of the checklist? If the crosswalk shows that the WIPs meet the minimum 319 elements, then what is needed beyond this and why would a checklist of 319 minimum elements be needed if the elements are met by the plan outlined in the Toolbox? If required, can EPA provide a one-page summary of these guidelines rather than the long guidance document?
 - Scott will send 319 fact sheet to be added to Toolbox. Jordan will add fact sheet and include language noting elements needed to receive 319 funding. - done

From: Reynolds, Lori <Reynolds.Lori@epa.gov>

Sent: Tuesday, July 16, 2019 4:34 PM

To: Orr Greene, Jennifer <jorrgreene@pa.gov>; Suffian, Fred <Suffian.Fred@epa.gov>; Hoffmann, Michael <Hoffmann.Michael@epa.gov>; Rodriguez, Norman <rodriguez.norman@epa.gov>

Cc: Carney, Roland <rscarney@pa.gov>; Devine, Ann <adevine@pa.gov>; Wagner, Donna <donnawagne@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>

Subject: [External] RE: Follow up items from Monday's meeting

Hi Jen and PADEP 319 Team,

We appreciate your time in meeting with us and for the meeting summary. The progress made in soliciting 319 projects to utilize the FY'19 and FY'20 funds is recognized. The attached file includes some additional actions captured during our meeting. Below are responses to items included in your July 12 email:

Under the heading of "EPA"

- The 2020 application is due by August 1, 2019 (at least 60 days prior to the beginning of the proposed funding period 40 CFR Section 35.105 – "Timeframe for Submitting an Application"). EPA is working with PADEP to develop the program capacity to move the application process closer to the standard. A goal suggested at our meeting is for the draft 2020 application to be submitted to EPA by October 1. EPA will schedule a call to review and explain program timelines as part of a FY2020 319 Action Plan discussion.
- EPA shares the goal of leveraging dollars and expanding the number of 319 eligible projects funded. The request for EPA to "provide a detailed summary of what elements the current county WIPs are required for the CBWIP local plans to be acceptable WIPs for 319 project funding" is interesting. It is encouraging that the toolbox states "Pennsylvania is much more focused on improving local water quality in our local communities" since this aligns with the objective of the 319 program. The templates, toolbox and county plans are all resources that serve as building blocks for developing and implementing watershed-based plans. To better utilize available 319 funding, the county plans could:
 - reference existing approved watershed-based plans that are named in the toolbox, implement the recommendation to coordinate restoration efforts by local groups and commit to working with partners to submit projects for 319 funding in the approved watershed-based plan areas;
 - apply the resources from the toolbox to: identify priority watershed(s), estimate non-point source pollutant load contributions, identify impaired waterbodies in which the county expects to make measurable improvement through implementation of management practices, describe how load reductions will be achieved including a timeline for actions with the outcome being a success story and documented results on how the impaired waterbody is restored and;
 - include in the *State Programmatic Recommendations* template a commitment to take actions to increase the number of approved watershed-based plans by: 1) identifying alternative TMDLs and considering TMDL restoration priorities; 2) conducting an inventory of submitted watershed-based plans and determining what remaining elements are needed for approval; and 3) considering where project proposals are submitted and whether the elements for a watershed-based plan are available; and
 - include a commitment that external coordinators will be directed to enhance the public understanding and achieve local support of the watershed-based plans and water quality improvement project implementation by encouraging early and continued stakeholder participation in selecting, designing, and implementing management measures; and,
 - for any future toolbox updates, PADEP could consider including an attachment /checklist of the minimum elements of a

watershed-based plan.

Under the heading of "DEP"

- The FY'19 grant application was due by August 1, 2018 (at least 60 days prior to the beginning of the proposed funding period). The new State Governor's level approval is recognized; however, not receiving the final FY'19 grant application until September is problematic since it does not allow sufficient time for Agency review and approval. Given the Regional grant workload, we cannot guarantee that a grant application received after August 1 will be awarded this fiscal year. To ensure grant award and to avoid potential loss of funding, please take actions necessary to submit the grant application by August 1.
- It is encouraging to learn that PADEP is implementing the 319 Program resulting in incurred costs. To date \$235,000 was drawn on the \$4.698M FY'18 grant. The State is asked to keep up the 319 program work and regularly draw the grant as appropriate.

- Regarding the project start date, being behind by a year on the grant application process reduces the 5-year grant project period into 4 years. The additional year will assist with timely grant closeouts and allow for project completions utilizing all available grant dollars. As mentioned during our meeting, project costs incurred under the FY'15 grant after September 30, 2019 are not able to be charged to the grant. PADEP is encouraged to work with grantees and to track project progression through GRTS to ensure funds are not lost.

Under the heading of "Both"

- A waiver request is needed if the State deviates from the required 50/50 split between project and program funding. EPA indicated at the meeting that approval for a waiver was not guaranteed. We discussed concerns with the State not fully utilizing project funds and we both agreed to discuss the matter internally with our management. Preliminary discussion at EPA favors implementation of available options that allow the 50/50 split to remain in balance e.g. reducing the number of years some projects are funded. The purpose of 319 funding is to improve locally impaired waterbodies via the implementation of projects and BMPs in areas covered by watershed-based plans.
- The sentiments expressed in the mention of "complex 319 WBP requirements" and "moving goalposts" in the 319 approval process is somewhat disappointing. The 319 program funding for nonpoint source projects is a great resource for local groups in Pennsylvania. Engagement and support at all levels is necessary to achieve success. Perhaps as part of training, we can include discussion of proposed projects where a TMDL is not available?

Thank you for your work in the 319 Program.

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Lori Reynolds
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US Environmental Protection Agency, Region III
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From: Orr Greene, Jennifer <jorrgreene@pa.gov>

Sent: Friday, July 12, 2019 2:16 PM

To: Reynolds, Lori <Reynolds.Lori@epa.gov>; Suffian, Fred <Suffian.Fred@epa.gov>; Hoffmann, Michael <Hoffmann.Michael@epa.gov>; Rodriguez, Norman <rodriguez.norman@epa.gov>

Cc: Carney, Roland <rscarney@pa.gov>; Devine, Ann <adevine@pa.gov>; Wagner, Donna <donnawagne@pa.gov>; Snyder, Cheryl <chesnyder@pa.gov>

Subject: Follow up items from Monday's meeting

Importance: High

EPA colleagues,

Thank you again for travelling to Harrisburg to meet with the team and discuss EPA/DEP coordination of the 319 program. We felt it was a productive meeting and look forward to a continuation into the future. From my notes, I have these follow up items from the meeting:

EPA:

*EPA will send guidance and reg citations for the 319 program that was referenced to use so we can write to the point and know any regulatory hard stops on management, etc.

*Will EPA allow the grant application for 2020 to come in after the 9/30 deadline or is that a hard stop? EPA will provide a timeline with "hard stops" outlined for us for this fiscal year.

*EPA will provide a detailed summary of what elements the current county WIPs are required for the CBWIP local plans to be acceptable WBPs for 319 project funding

DEP:

*Language for scaling and additional data mining (end of the week); see attached document with comments and suggested language

*DEP has spent \$ 525,698.85 in salary (with another approximately \$150,000 in benefits/fringe) through 6/30/2019 from the 2018 grant for a total of 52% of the salary/benefits/fringe budgeted; this is much higher than EPA's estimate of spending to date; DEP requests that EPA remove reference to concerns with spending of the 2018 grant from the satisfactory program determination and other evaluation mechanisms

*Fiscal – DEP is pursuing an answer to the change in start/end dates with fiscal; DEP will follow up on resolution

*DEP will be discussing training from the sister bureau, Clean Water, on the GIS system for COM IDs and how our data systems relate to ATTAINS, the possibility of using the Clean Water Academy for sharing trainings (including any limitations on time length or size of training files), and the possibility of a scripted push from DEP systems for 319 data into WQX

*DEP will need to submit the final grant application for executive level and Governor's office approval before final submittal to EPA; this will take us to sometime in September (projected) for a final approved submittal; we are willing in the future to work on a timeline that allows for this new requirement to be worked in the application period but cannot change it for this year; we can also provide an estimated timeline for the internal approval process completion is desired

*Follow up with 5 year program plan; should be submitted soon (end of July) but a final plan will need circulated through executive staff before final submittal (again, about a 4 week timeline)

*Provide DEP with expectations of a WIP to remove the "moving goalpost" effect and provide certainty/efficiency in WIP development by both DEP and watershed groups.

Both:

* A waiver letter will be needed. It is DEP's understanding that a draft letter will be provided by EPA for DEP's review and submittal to EPA headquarters.

*Crosswalk between two spreadsheets (PA status of WIPs and 305(b) report restoration priorities including watershed scale; PA will start, then EPA will weigh in; will be used as part of the EPA contractor solicitation

*Project/program split issue - this will continue to be an issue and hampers the federal program from being flexible enough to address NPS pollution outside of the constructs of an approved WIP (or even alternative), which is the ultimate goal of the program

1. Are there other states, other regions with that issue?
2. Is there a way that we can assist from a state level in pushing this at the federal level?

As you notice above, there have been new approval steps inserted into PA processes for grant approval and announcement that have become a requirement in the last few years. Because of this and to meet EPA timelines in which we are given little turnaround time (e.g. being give one week after receiving contractor information from EPA to develop a summary, make necessary adjustments to financial spreadsheets, and route a completed draft application for approval), DEP respectfully requests that EPA allow flexibility related to the 2020 application and 5-year program plan and works with DEP to incorporate time into deadlines in the future to allow DEP to provide timely products to EPA with certainty in EPA expectations relative to timelines, etc.

Also, a general concern of DEP is the level of responsibility related to WIP development, QAPP development, data entry, etc., that is expected of local watershed groups. If indeed the goal of the program is to expand/modify the WBPs elements of the program, EPA should consider the amount of resources necessary for the development/revision of WBPs, especially in Pennsylvania as state programs do not have the complex 319 WBP requirements, which effectively deters groups in PA from pursuing 319 WBP development because of the cost associated and "moving goalposts" in the 319 approval process.

We look forward to continuing to work with EPA to address nonpoint source pollution issues in Pennsylvania.

Jen

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